(1938) Department.

SERIES.

G.O. No 2076 P.H

DATED 7-6-1938

[Despatch Abstract.]

Appeal - Mangalore Municipality - M. Amba Bai, Ex-Municipal Midwife - Against termination of services - Orders passed.

To

The Secretary 4781

to The Government of Madras,

Local Administration Department,

Fort St. George,

Madras.

Humble memorial submitted by M. Amba Bai, Midwife in Municipal Service till recently, Mangalore.

Most Respectfully Sheweth:-

That your memorialist is a trained midwife and was appointed as a Municipal Midwife in place of one Yohanna Timothy, retired from service. The memorialist was thus appointed to a permanant cadre and was placed on probation for a period of six months on a pay of Rs. 20/- by an order of the Chairman, Municipal Council, Mangalore - C.No. 712/33-34, dated 21-9-1933.

That at the close of six months, the period fixed for probation, she was not informed that her probation has been extended and no such orders were ever issued to her and in the meantime she drew her increments and was permitted to contribute to the Provident Fund and was thus for all practical purposes during the period of her service extending over a period of over 4 years, she was considered to have been confirmed in service. There was nothing to prove the contrary.

That her services were however terminated on the 1st September 1937 abruptly (as per details given in the order enclosed) by the Commissioner of Mangalore Municipality at the pressure brought to bear

upon him by the Municipal Health Officer who in his turn was unduly influenced by the Woman Medical Officer, in charge of the midwifery section as will be patent from a kind perusal of the connected papers.

That to be brief your poor memorialist and the woman Medical Officer fell out on account of certain most insulting and undignified insinuations made in public against the memorialist by the Woman Medical Officer at the instigation of certain interested parties amongst the midwives and this caused the memorialist to remain in the bad books of the Woman Medical Officer.

That Government will be pleased to see that the charges laid at her door were four in number and are most filmsy and not deserving of any notice if other prejudices did not exist as a contributory cause.

First and second charges relate to the same incident only developed into two distinct charges, viz.,

1. On the 10th May 1937, she left the maternity centre at 5 A.M. instead of at 8 A.M., without permission.

2. On the 10th May 1937 (the same day) she availed herself of casual leave without obtaining orders.

Your memorialist left the centre the day in question not at 5 A.M. but at 7.30 A.M., i.e., half an hour earlier leaving a note asking for a day's casual leave in the event she felt unable to come with one of her collegues then present in the maternity centre. This fact is admitted, but the midwife in whose hands the leave note was entrusted did not give it to the Woman Medical Officer as she was requested to do, but allowed it to be at the centre and undelivered and it was actually found by the Woman Medical Officer the next day, in the

centre.

That your memorialist was ill the whole night and she was getting worse towards morning and she therefore left the centre half an hour earlier taking the necessary precaution of leaving a note praying for a day's leave and actually entrusted it to her collegue. If this woman either carelessly and negligently did not do what she undertook to do, your poor memorialist humbly submits, memorialist cannot be found fault with.

That two important facts are admitted and they go a long way in exonerating memorialist of any offenceand they are that she did leave behind a leave note before she left the centre and that it was at the centre and was recovered by the Woman Medical Officer the next day.

The third charge alleges that your memorialist was allowing visitors to the centre and was holding conversations with them late in the night against specific orders. In the charge memo the allegation is confined to the night of 9-5-1937 (Ex. II).

That there are four midwives present and a maistry during the nights in the centre and one wonders what sort of conversation could a woman possibly hold with outsiders under such invironment. The fact is on the particular night her husband accompanied her to the centre and he was there for some time talking to the maistries.

The evidences which consists of exclusively municipal maistries and midwives who could not help obliging their superior, the Woman Medical Officer do not say who those outsiders were and how long they were in the centre and what disturbance they caused. The whole

charge is so vague and the evidence collected to bring home the charge so fishy and flimsy no unprejudiced mind could or would possibly cast a slur on any woman. The learned Commissioner brushes aside her defence and her statements very conveniently to suit his own finding without any satisfactory reasoning for disbelieving memorialist.

The last charge is with respect of alleged fals entries regarding enema given to one Alimamma on the 9th May 1937 and another Isamma on the 8th May 1937. That the memorialist did give enema to these two ladies on the date specified and did visit them is clear from the written statements of these two ladies themselves submitted enclosed in original. They say in their statements that no one had questioned them about the matter and they had never denied of the memorialist's visit to them. If any enquiry had really been held, the Health Officer in fairness to the memorialist ought to have taken her to their houses and confronted her with them. Nothing of the kind was done. In fact all evidence supposed to have been taken were taken behind her back and she was not given any chance to contradict them or ptove them to be false by cross-examination.

That the procedure followed by the Health Officer in conducting the enquiry against the memorialist was against every established principal of justice and fairness and against the specific mandatory provisions relating to procedure prior to punishments to Municipal subordinates.

That everything was done with the preconceived determination to remove memorialist from service whether sufficient reasons existed for the adoption of this drastic

:ourse or not.

That the last charge of making alleged false entries falls to the ground the two written statements of the women concerned give the lie direct to the - allegations.

That the whole incident is a sad episode of might triumphing over right.

That when she preferred an appeal to the Council, the same is summarily rejected by the Commissioner even without placing it before the Council on the plea that no appeal lies in the case where a probation is ceased.

That it is from the Government to decide how long could a midwife be kept on probation without there being any order extending her probationary period over the 1st six months.

She ~~xher~~ had put an unbroken service of over four years in a permanant post, and contributed to Provident Fund and she could not, memorialist most humbly submits possibly be considered to have been on probation in spite of all the above facts for an indefinite period and her appeal was wrongly rejected on that plea.

Your memorialist is a poor helpless woman, with none to support or uphold her just cause - no one to help and she has under these unhappy circumstances now ventured to approach the present popular and the poor men's Government which has so often championed the cause of neglected and ill-treated womanhood in its chequered history in the sure hope and trust will be mercifully pleased to call for all the connected papers and look into them with the sympathy and fairness which the memorialist expects at the hands of the National Government

and vindicate justice and fairness by directing her reinstatement.

For which act of kindness and mercy, petitioner shall ever remain grateful.

I beg to remain,

sir,

Your most obedient servant,

Mangalore,
29-1-1938.

Ed. & M. Dept

Govt. 4781-1 Ed. & M. dated 11.2.38

Returned for resubmission through the proper channel

S.R. Kaiwar
11/2/38
Under Secy. to Govt.

To

The Memorialist

Respectfully Resubmitted thro' The Commissioner Mangalore Municipality

Mangalore
28.2.38

Ms. Benkabai

Reg No. C.No.3434/B1-37

Mangalore Municipality.

Endorsement on the petition dated 5th October *193* 7 *from*

Mrs. M.Amba Bai

residing in Bizai,Mangalore.

~~*praying*~~ *requesting* appealing to the municipal council,Mangalore to reinstate her in her old post as midwife.

ORDER.

Mrs.M.Amba Bai is informed that no appeal lies to the council against an order ~~causing~~ clearing her probation as Municipal midwife.

Municipal Office,
Mangalore, 18th October 1937

Commissioner, M.M.

To the petitioner.

Compd/

DESPATCHED
19. OCT. 1937

19-9

It is a fact that

D.Dis.1670/B1-37.

Proceedings of the Commissioner, Mangalore Municipality, Mangalore, dated the 31st August 1937.

Present.

M.R.Ry. C. R. Karunakara Menon,Avl., B.A., B. L.,

Read--the following:-

1. File of papers regarding the complaint against midwife, Mrs. M. Amba Bai.

2. This office proceedings C. No. 1670/B1-37, dated the 1st June 1937 framing charges against Mrs. M. Amba Bai.

3. Written explanation dated the 7th June 1937 of Mrs. M. Amba Bai.

O r d e r.

The following charges were framed against midwife Mrs. M. Amba Baj on 1st June 1937.

1) On 10th May 1937, she left the Maternity Centre at 5 a.m. instead of at 8 a.m. without permission.

2) On 10th May 1937 she availed herself of casual leave without obtaining orders.

3) She was allowing visitors to the Centre and ~~was holding conversations with them late in the night against~~ specific orders.

4) She recorded false entries in the Register to the effect that she had given enema to Mrs.Alimamma on 9th May 1937 and to Mrs. Israma on 8th May 1937.

CHARGE No.(1)

In her explanation dated the 7th June 1937,

the midwife states that she did not leave the centre at 5 a.m. on 10th May 1937 but admits that she had left the centre at 7.30 a.m. that day on account of stomach-ache. As per rules of the centre she was required to be at the centre from 8 p.m. to 8 a.m. and by leaving the centre earlier than the prescribed time without obtaining the previous orders of the Woman Medical Officer, the midwife is guilty of violating the rules of the Maternity Centre.

CHARGE No.(2)

To this charge the midwife states in her explanation that she had handed over her leave note with her colleague Pramila Menon on the morning of 10th May 1937. But it is evident from the statement given by Pramila Menon on 12th May 1937 that the midwife Amba Bai had left the centre at 7.30 A.M. and before leaving it she (Amba Bai) had informed her that she had placed her leave note in a book and that if she did not turn up for duty that day, it might be handed over to the person who came for duty that day- The Woman Medical Officer picked up this leave note on 11th May 1937 at the office of the Maternity Centre after the midwife had already availed herself of the casual leave. It was clearly the duty of the midwife to see that the casual leave note was promptly sent to the Woman Medical Officer instead of placing it in the book and walking away home. The midwife's action in acting in this irresponsible manner amounts to sheer indifference to her duties as a public servant and is therefore inexcusable.

CHARGE No. (3)

In her explanation, the midwife admits with some reservation that her husband used to escort her to the centre and remain in the centre for some time talking to the maistries. She denies of ~~e~~her having permitted other persons to come there. The statements given by Pramila Menon and maistries, Kanthappa and Manjunatha go to prove that the midwife did engage herself in conversation with two persons other than her husband till late in the night on 8th May 1937. In the absence of any other --

evidence on behalf of the midwife I have to give weight to the evidence given by the three eye-witnesses who were on duty on the night in question. The action of the midwife in allowing visitors to the Maternity Centre is clearly against rules and discipline of the Maternity Centre and her conduct in engaging ~~herself in conversation with outsiders in the premises of the~~ Maternity Centre at that part of the night is reprehensible.

CHARGE No. (4)

The midwife pleads not guilty to this charge. Instead of ~~confirming~~ confining her explanation to the charge proper the midwife side-tracks the issue and indulges in uncalled for & irrelevent remarks against the work and conduct of her colleggues and audaciously attributes motivies to her immediate superior, the Woman Medical Officer without any justification whatsoever. That the midwife did make false entries in the register on the 8t and 9th May 1937 has been conclusively proved by a local enquiry held by the Municipal Health Officer on the 29th May 1937. On the face of this report of the municipal Health Officer which is based on the enquiry held in the houses of the two muhammdan ladi referred to in the charge, I do not consider that any further evidence is necessary to prove this charge against the midwife.

The work and conduct of this midwife have been uniformly unsatisfactory. Inspite of extending her period of ~~probation and inspite of warnings and punishments already given~~ she has not shown any improvement in her work. The Municipal Health Officer in his report H.C.R.No. 583/37 dated the 27th May 1937 states "The midwife is mischievous, impertinent and irresponsible in her conduct towards her superiors. So it is necessary to terminate her probation in the interest of discipline of the Maternity Centre". To retain in service a midwife who is indiffere in work, insolent and impertinent to her superiors is most undesirable.

In the interest of the efficiency of Maternity Service I am constrained to terminate the services of Mrs. M.Amba Bai with effect from 1st September 1937. She should handover charge to Woman Medical Officer.

Commissioner, M. M. 31.8.37.

To

Mrs. M. Amba Bai, Municipal Midwife,
through the Woman Medical Officer,
Mangalore municipality.

~~Copy to the Municipal Health Officer,~~
Mangalore municipality.

Forwarded. The midwife should handover charge by noon tomorrow.
12 noon tomorrow.
Y. Siva Ramayya
H.O

Compd/ 31/8.

To

The Chairman and Members of the Municipal Council,

Mangalore Municipality,

M A N G A L O R E.

Throug the Commissioner,

Mangalore Municipality,

M a n g a l o r e.

Humble Appeal Petition of

Mrs. M. Amba Bai, Midwife, residing at Bijai, Mangalore town, D/-5-10-1937.

Most Respectfully Sheweth:

1. Being highly aggrieved by the order D.Dis. 1670/B1-37 dated 31-8-1937 of the Commissioner, Mangalore Municipality terminating her services with effect from [illegible], the appellant above-named begs most humbly and respectfully to appeal against the same on the following among other grounds:-

2. The procedure adopted in this Departmental enquiry against the appellant contravenes the mandatory provision relating to such enquiries viz., that the witnesses examined against the appellant in support of the charges framed against the appellant ought to have been examined in the presence of the appellant, so as to afford her an opportunity to cross-examine them and to test their veracity. Even if they had been examined behind her back before the charges were framed, they ought to have been tendered for cross-examination at least subsequently.

3. In her written explanation the appellant desired that she should also be heard in person with reference to the query of the Commissioner communicated along with the charges framed against her on 1-6-1937 (C.No.1670 B1-37 dated 1-6-1937), but no such opportunity was given to her.

4. Further to another query of the Commissioner in the abovesaid reference as to whether she has any evidence to let in and any witnesses to be examined, the appellant had in her written explanation stated that Abdulla Kadri, husband of Mrs. Alimamma, and Iddinabba, husband of Mrs. Isamma should be examined on her behalf to prove that she gave enema to their wives and that her entries in the Register are not false. But these witnesses have not been examined.

5. The failure to give an opportunity to cross-examine the witnesses against her, and to examine her witnesses and also to give a personal hearing to her has greatly prejudiced the appellant preventing her from proving her case, and has occasioned grave miscarriage of justice.

6. Regarding the merits of the charges, the appellant humbly begs to submit that she is not at all guilty of any of the 4 charges framed against her.

The 1st and 2nd charges relate to her having left the Maternity centre at 5 A.M., instead of 8 A.M., and availed of casual leave on 10-6-1937 without orders:-

The appellant's explanation is that on account of severe stomachache she had to leave the centre at 7.30 A.M., half an hour earlier (and not 3 hours) leaving a leave note with her colleague Pramila Menon informing her that if appellant was not able to return, the same should be forwarded to the concerned authorities.

(b) That the appellant had left such a leave note and informed Pramila Menon is not denied but evidently Pramila Menon did not carry out the instructions of the appellant, and the leave note was found by the Lady Doctor at the Centre next day, after the appellant had availed herself of the casual leave.

(c) This fault cannot be laid at the door the appellant and she cannot be found guilty charges, because as she was ailing the who with severe stomachache, she was constr the centre only half an hour earli leave a leave note there Menon, as appellant was able to return, and if necessity of the leave Doctor.

(d) In this c submit as stated by the Municipal Health when the centre was ructed by Mr. M. leave notes should being forwarded t practice was bei midwives.

(e) ... Therefore the matter being p trivial, and not deliberate, and the appellant having taken precautionary measures in leaving the leave note on --- account of her suffering the appellant ought to have been found not guilty in respect of these charges.

8. Charge No.3 relates to her having talked to two outsiders on the night of 8-6-1937. The appellant has denied this stating that her husband had escorted her to the centre and was talking to the Maistries -- there for some time. The appellant does not know --- what statements have been made by Pramila Menon and the Maistrie's Kanthappa and Manjunath - referred to in the order appealed against. They were evidently examined behind the back of the appellant and no opportunity was given to the appellant for cross-examining The said statements are therefore irrelevent, asible and cannot be used as against the --- In this connection the appellant begs to bundant material to show that --- ed and prejudiced against to go into those details. nder the above circumstances all.

No.4 that the appellant enema to the two Gosha

d in her written expla- be examined on the

motive for the if there was ---

really no necessity to give enema, the appellant would not be found fault with for not giving enema.

29

e) The order appealed against shows that this charge is conclusively proved by a local enquiry held by the Municipal Health Officer on 29-5-1937 regarding [illegible] on 4th and 8th May 1937. The appellant is not aware of such an enquiry and the concerned [illegible] are definite that no [illegible] on this point at any time. It is [illegible] persons questioned by the Municipal Health Officer have no knowledge of the enema --- given to the concerned ladies. It is quite possible that there is either a comedy of errors or a question of mistaken identity - especially in a Mahammadan household.

d) The Appellant therefore humbly submits that the Municipal Health Officer's report on this point --- cannot be said to be so infallible as to exclude all necessity to consider any further evidence to prove -- this charge against the appellant - as stated in the order appealed against.

e) In these circumstances the appellant ought to be held not guilty on this charge.

10.. The past conduct and work becomes irrelevant when the charges framed are found baseless and when the appellant is not guilty of the charges framed against her.

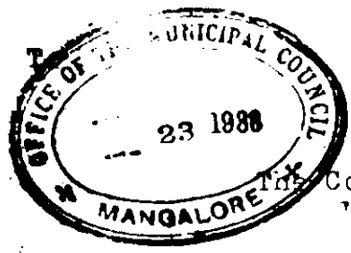
11. Without prejudice to the above contentions circumstances, the appellant further begs humbly and respectfully to submit that the punishment of termination of

her services, after 4 years of service is too severe and excessive and quite disproportionate to the nature of the charges even assuming that they are considered to be proved.

12. The appellant therefore most humbly and respectfully prays that the order appealed against may be set aside and she may be reinstated to her post as from 1-9-1937.

For which act of justice and equity, and mercy and kindness, the appellant shall as in duty bound ever pray.

Appellant.



To Commissioner,
Mangalore Municipality, Mangalore.

From

L.Amba Bai,
Till recently Municipal Midwife
Present address, C/O Dr.L.N.Pai, Urva,
MANGALORE.

S i r,

02230 As directed by the Government of Madras, Local Administrative Department, on page 6 of the enclosed memorial I am resubmitting the same through your good self and humbly beg of you to transmit the same to Government of Madras.

I beg to remain,

Sir,

Your most obedient servant,

L Ambabai

Mangalore,

Dated 22-2-1938.

Retransmitted.

Midwife M.Amba Bai was appointed on as a probationer and as her work was not satisfactory, her probation has been extended from time to time till her discharge with the charges referred to in the Proceedings of the Commissioner No.1670/BI -37, dated the 1st June 1937 (The details of her service may be verified from the office registers.)

The procedure required for the punishment of Municipal servants prescribed by the Government has been followed in this case. She was given an opportunity by the then Commissioner to explain herself which she did in her explanation dated the 7th June 1937.

The then Commissioner held an enquiry and finally came to the conclusion for the discharge of the midwife.

The midwife has not produced any satisfactory evidence then, that she had given enema to the 2 ladies referred to in charge No.4 with the slips which are presented now marked 15 & 17. I myself went to the place to enquire about this false entry referred to in charge No.4 and it was orally proved to my satisfaction by the statements of the ladies who were, of course, in gosha being mohammadan women. In getting these statements I took the assistance of my clerk.

The then Commissioner has discussed all the details connected with the charges and her explanations while discharging this midwife so I feel there is no further need for me now to go into other minute details which weighed with the Commissioner when he remarked "The midwife is mischievous, impertinent and irresponsibl in her conduct towards her superiors. So it is necessary to terminate her probation in the interest of discipline of the Maternity Centre".

Mangalore,
6th March 1938

Sd/Y.Siva Ramayya,
Municipal Health Officer.

/ True Copy /

Municipal Office,
Mangalore,14-5-38

COMMISSIONER, M.M.

15/5/38

Compd/8/14/5

22

C.F. 30.

DEPARTMENT.

Received 23 MAY 1938 19 . Registered 19 .

Subject. 22889

ESTABLISHMENT - Public Health - Midwife Amba Bai - Appeal against the termination of her services.

****

ENCLOSURES.

pies

C. No. 2230/B1-38.

Station Mangalore, Dated the 17th May 19 38

From (Name) M.R.Ry.K.Govindarajulu Naidu Garu, B. A.,

(Designation) Commissioner, Municipal Council,

Mangalore.

To The Secretary to the Government of Madras,

Through

The Chairman,

Municipal Council,

Mangalore.

Local Administration Department.

Fort St. George,

M_a_d_r_a_s.

Sir,

I am forwarding herewith the appeal petition of the ex-municipal midwife M. Amba Bai against the orders terminating her services issued by my predecessor in his Proceedings D.Dis.No.1670/B1-37, dated the 31st August 1937, together with the connected enclosures. I am also enclosing herewith a copy of the Municipal Health Officer's remarks on the appeal dated the 6th March 1938, and the Municipal Office file of sixty-nine pages in original pertaining to the Proceedings

referred to

referred to above which may kindly be returned after reference.

2. The Municipal Health Officer states that as the midwife's work was not satisfactory her probation has been extended from time to time but no written order is forthcoming to show that her probation was extended at any time. Nor is there any entry to this effect in the petitioner's service register. It must however be pointed out that my predecessor had by his proceedings C. No. 4273/B1-36, dated the 7th December 1936, warned the midwife that any dereliction of duty on her part in future would entail in her discharge from Municipal service. The period of probation under the rules in force when this midwife joined Municipal service was six months and as there is no written order extending her period of probation, as stated above, it may be difficult to justify the position that she was only a probationer when her services were terminated.

The rules issued by the Government regarding the appointment and punishment of Municipal servants contemplate a quasi judicial enquiry. Such an enquiry does not appear to have been held apparently on the assumption that it was not necessary in the case of a probationer. So far as the merits of the case are concerned the appeal will speak for itself as it deals with all the points at issue; but I venture to suggest that the punishment is unduly severe. I solicit the orders of the Government on the appeal.

Commissioner, M.M.

17/5/38

Forwarded:

B. Venkatarao Baliga

17th May 1938. Chairman, M. C.

H/17-5

29
1/2/6

DRAFT FOR APPROVAL.

.37

C.F. 16.

Date. Initials.

Est. & Gl. Dept.

SUBJECT:—

When received for fair copying ..		
When copied ..		
When examined ..		
When signed ..		
When despatched.		

Appeal - Kangalore Rly - M. Anta Bai, Ex Nl. Midwife - Against termination of service - Orders passed.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:— Appeal from M. Anna Bai, Ex nil. midwife, Kangalore

No. _____ From the _____, No. _____, dated _____ 19____.

" 2288 " Con. Kangalore Rly " 2230/Bj-38 " & 17.5.1938.

" _____ " _____ " _____ " _____ 19____.

~~Order~~ ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ No. 2076 P.H. dated 7.6.19 38.

Dpt'l.

The appellant, M. Anta Bai, Ex. Nl. midwife, Kangalore Rly was entertained in Nil service by the Rly in September 1938 & her period of probation is therefore governed by rule 6(1) of the rules appended to G.O. 4728 R&H dt. & 29.11.32. Under the rule the maximum period for completion of probation is two years. She should therefore be deemed to have completed her probation.

para 1 on p/l of.

On the expiry of her period

~~as she~~ has put in a total service of two years as midwife under the Municipality. At the time when charges were framed against her ~~of the framing of charges against her~~, she was therefore ~~should be deemed to have been~~ entitled to ~~for~~ all the benefits of rule 4 of the rules under Notification No. II appended to G.O. 3648 L.S.G. dt. 18.8.36. p47 (B)

The Govt. observe that the procedure prescribed by the rule referred to above, was not followed ~~observed~~ by the Commr., Mangalore City, before he passed orders in his proceedings No. D.Dis. 1670/B1-37 dt. 31.8.37 terminating the appellants' services under the City. pp 10-13 of. These proceedings are therefore cancelled. The Commr. ~~is requested to~~ now (observe all the formalities prescribed by the rules and to pass revised orders in the matter at a very early date. (considers such a course necessary the way)

2. The appellant is referred to the Commr., Mangalore City, for orders

7889

Rep'd

26/ 3/

on her appeal 39²

To

8 RM
9/6/38

Rep'd
1676 2/1/6

Cy 1.6.

So ✓

The appellant
thro the Ct. Mangalore
(Para 2 only)

The Comm'r, Mangalore
thro' the C. R.

[with the file at (H) in mfl.]

(A copy for the file.)

CWR 4/6/38

SRM 6/6.

Received.....1938. Registered.....1938.

Abstract.

Appeal - Mangalore Municipality - M. Amba Bai, Ex-Municipal Midwife - Against termination of services - Orders passed.

Education and Public Health Department.

G.O.No.2076 P.H., Dated 7th June 1938.

Read the following:-

Appeal from M. Amba Bai, Ex-Municipal midwife, Mangalore, dated 29th January 1938.
From the Commissioner, Mangalore Municipality, No.2230/B1-38, dated dated 17th May 1938.

O R D E R :-

The appellant, M. Amba Bai, Ex.Municipal midwife, Mangalore Municipality was entertained in the municipal service in September 1933 and her period of probation is therefore govered by rule 6(1) of the rules appended to G.O.No.4728 L. & M., dated 29th November 1932. Under this rule the maximum period of probation fixed is two years. On the expiry of this period she should be deemed to have compeleted her probation. At the time when charges were framed against her, she was therefore entitled to all the benefits of rule 4 of the rules under Notification No.II appended to G.O.No.3648 L.S.G., dated 18th August 1936. The Government observe that the procedure prescribed by the rule referred to above, was not followed by the Commissioner, Mangalore Municipality, before he passed orders in his proceedings No.D.Dis. 1670/B1-37, dated 31st August 1937 terminating the appellant's services under the Municipality. These proceedings are therefore cancelled. If the Commissioner considers such a ~~cause~~ Course necessary he may observe all the formalities prescribed by the rules and to passed revised orders at a very early date.

2. The appellant

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2. The appellant is referred to the Commissioner, Mangalore Municipality, for orders on her appeal.

(By Order of His Excellency the Governor)

C. H. Masterman,
Secretary to Government.

To the appellant, through the Commissioner, Mangalore Municipality.
Commissioner, Mangalore Municipality, through the Chairman, Municipal Council (with enclosure in original)

(True Copy)

Forwarded
(By Order)

Superintendent.

T.P.S.

C.F. 33.

43c

DEPARTMENT.

Received 21 OCT 1938 19

Registered 45496 19

Subject.

ESTABLISHMENT -- M. Amba Bai - Ex-Municipal Midwife Appeal against termination of services - Instructions re. her period of absence of duty - Requested.

G. O. No. 2076, P. H., Education & Public Health, dated the 7th June 1938.

****

ENCLOSURES.
No.
Spare copies

No.

Station MANGALORE *Dated the* 30th September 19 38.

From (Name) Sri K. Govindarajulu Naidu, B.A.,
(Designation) Commissioner, Municipal Council, Mangalore.

To The Secretary to the Government of Madras,
Through Education & Public Health Department.
The Chairman,
Municipal Council, Fort St. George, M_a_d_r_a_s.
Mangalore.

Sir,

In accordance with the orders of the Government issued in the G.O. read above M.Amba Bai was restored to duty with effect from 2nd July 1938. An enquiry was held by me into the charges framed against this midwife on 25th August 1938 observing all the formalities to be followed in such cases as laid down in rule 4 of the rules under notification II appended to G. O. No.3648, L.S.G., dated the 18th August 1936. After a careful

consideration

consideration of all the records, the statement given by the midwife and the depositions of the witnesses examined on her behalf I consider that no action is called for against the midwife in regard to the charges framed against her beyond a severe warning for absenting herself from duty without proper orders. In G. O. No. Ms. 2076 P. H., Education & Public Health Department, dated the 7th June 1938, Government have not definitely stated as to how the period of her absence from duty should be treated. As this midwife was first entertained in service on 22nd September 1933 as per her service book, she is governed by the Madras Leave Rules 1933. Treating her as a permanent midwife under the Council, her leave account shows to her credit only 23 days which could be ~~granted to her in terms of average pay. I solicit~~ instructions as to how the entire period of her absence is to be treated.'

Commissioner, M.M.
30/9/38

Forwarded. Having regard to the previous conduct of the midwife I think that severe warning is too lenient a punishment. I would suggest therefore that the period of her absence from duty may be treated as a period of suspension -
30th September 1938. B. Venkataratnam Chairman, M. C.

Compd/ 30/9/38

H. D. U. 30/9/38.

[illegible]

[illegible] of one Ambawadi, a [illegible] of the Mangalore Municipality, were [illegible] to expect from 1/1-37 on [illegible] the hearing mentioned in P.10 [illegible] 16 P.M. dated 1-6-37. It appeared [illegible] that the proposals submitted [illegible] was not [illegible] the Town [illegible] the applicants' premises were [illegible]; and the steps were [illegible] 16 P.M. dtd 1-6-37 [illegible] the proposals of the Town Planning [illegible] if necessary. [illegible] examination of the [illegible] and the proposals [illegible] that [illegible] just the [illegible]: [illegible] a wide road, and [illegible] A- is intersected with feet, [illegible] A from north is to [illegible] [illegible] connect from Kudroli, [illegible] 1/- 1/-8, ten metres wide) [illegible] and [illegible] ended - Normally the [illegible]

be treated as one on leave ; but the incumbent has to her credit only 23 days' leave on average pay.

2 The chairman considers that mere warning is too slight a punishment for a charge that the period of absence may be treated as a period of suspension. As ordered in Govt 2076 dt 7.6.38, the present Commissioner has already held an enquiry observing all the formalities and has come to the conclusion that no action is called for against the midwife in regard to the charges framed against her except a severe warning the record of which have been made to that effect when reinstating her. It seems therefore that the punishment of suspension cannot now be inflicted and that the period of her absence from duty cannot be treated as one of suspension. She should either be considered to have been restored to service with effect from 1.9.37 or the period of her absence from 1.9.37 to 2.7.38 should be treated as one on duty. The latter course seems preferable

SRM 11-11-38 Cr 13/11/38

The remarks of the Examiner of L.F. Accounts may be noted pls.

13/11/38 KSR

SRM 11-11-38

S. Cr 13/11

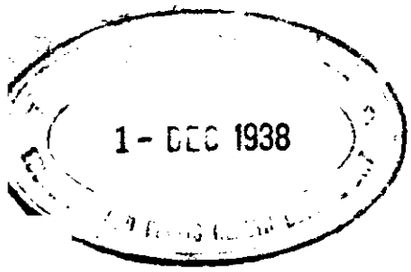
Assistant Examiner's Office.

There is no audit objection to the period of absence being treated as one spent on duty with reference to Rule 54 of the Fundamental Rules.

30.11.38

Exp No. 1405-1
1-12-38

E & P.H. Deptt. U.O.



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E&P.H.

A draft memo. is submitted for approval. It may be filed with Exp. 2076 dt 7.6.38 after issue.

8/12

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S.

CAG 3/12/38